

Economic Impact Statement

LSA Document #12-97

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

I. Estimate of Number of Small Businesses That Will Be Subject to this Rule.

As required by IC 4-22-2.1-5(a)(1), the estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule:

None.

As required by IC 4-22-2.1-5(a)(2), the estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule:

None.

As required by IC 4-22-2.1-5(a)(3), the estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule:

None.

II. Justification Statement.

As required by IC 4-22-2.1-5(a)(4), the following statement justifies any requirement or cost that is imposed on small businesses by the rule; and not expressly required by the statute authorizing the agency to adopt the rule; or any other state or federal law. The statement required by this subdivision must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary.

The only entities regulated by the rule are electricity suppliers, which are defined in the authorizing statute as public utilities that furnish "retail electric service to customers in Indiana". IC 8-1-37-6. The definition goes on to exclude municipally owned utilities, rural electric membership corporations, and electric cooperatives. Id. The remaining utilities to which this rule applies are not small businesses, but are large, investor-owned electric utilities.

The only small businesses that might be affected by the rule are those qualifying as a clean energy resources under IC 8-1-37-4(a). However, this is a positive, not a negative, effect. Under the rule, clean energy resources will have an increased likelihood of being able to sell their energy or clean energy credits to the applicable utilities. There are no requirements or costs imposed on small businesses by this rule.

III. Regulatory Flexibility Analysis.

As required by IC 4-22-2.1-5(a)(5), this regulatory flexibility analysis considers any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule. The analysis under this subdivision considers the following methods of minimizing the economic impact of the proposed rule on small businesses:

(A) The establishment of less stringent compliance or reporting requirements for small businesses.

As there are no compliance or reporting requirements for small businesses in this rule, no less stringent measures are available.

(B) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

As there are no compliance or reporting requirements for small businesses in this rule, no less stringent measures are available.

(C) The consolidation or simplification of compliance or reporting requirements for small businesses.

As there are no compliance or reporting requirements for small businesses in this rule, consolidation or simplification is not possible.

(D) The establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.

As this rule does not impose any design or operational standards on small businesses, the establishment of separate performance standards is not necessary.

(E) The exemption of small businesses from part or all of the requirements or costs imposed by the rule.

As this rule does not impose any requirements or costs on small businesses, the exemption is not necessary.

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